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[For general information on the payment of blood-money in retribution for homicide, see Category 682.]

[For the role of the marabouts as arbitrators in the settling of disputes between tribal groups, see Categories 619 and 792.]

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675 "Jumi'at, Marabtiin (plural of Marabit) of the 'Ali Ahmar."
All Marabit tribes of the Western Desert are affiliated as
* [613] clients with Sa'adi tribes. Further, since the tertiary
group of the Marabtiin functions in the same way as that of
the Sa'adi, it is this group which enters into compacts with
[682] Sa'adi tertiary groups. Traditionally, the Marabit group's
main support activity was to share in the payment of the
blood-money with its Sa'adi protector group. In return, the
Marabit group was given land in the protector's territory
and could depend upon them to contribute to any Marabit
blood debt which might come due. Also, it was considered the
• [628] duty of the Sa'adi to revenge the death of a member of his
[682] client group since the Marabit "was weak and could not face a
[608] tribe." But there is no attempt to construct fictional kinship
links between Sa'adi and Marabit groups.

[672] In al-Qasr today, contractual relations between Sa'adi
and Marabit are still based upon collective responsibility in
the blood-feud. However, since this traditional means of
conflict control is an extremely rare occurrence, the mutual
obligations of the parties are expressed in different forms.
[648] In any conflict between the Bedouins and the Egyptian govern-
ment, the Marabtiin are expected to support their respective
[666] Sa'adi groups. In any modern elections which a Sa'adi might
enter, the Marabit is expected to give him his vote. A few
examples will make clear the relationship between the Sa'adi

562 593 554 182 578 in Bedouin society, that is, the role of wife-daughter. The principles of patrilineality and cognation do not work against each other when the girl marries outside her corporate group, nor does her new dual role present a case of role conflict.

562 593 554 182 578 *613 [431] • [628] [594] On the contrary, the wife-daughter role functions to bind together two groups which are structurally differentiated by the rule of patrilineality. During time of peace, the wife-daughter acts as a bond-maker by carrying gifts back and forth between the two groups, often bringing some of her younger patrilineal relatives back to her husband's house or tent for short visits. During a time of conflict or war, the

562 593 554 [726] [584] Bedouins point out, she is the only person who can cross the battle lines unharmed. She is a match-maker as well as a peace-maker. Often she influences the selection of mates by individuals in both her husband's group and her father's

562 593 554 582 group. The Bedouins say that "after the bint 'amm, a man should marry his bint khal ("mother's brother's daughter") because she is like his bint 'amm." Usually, over a period of a few generations, a given direction in marriage is sustained (see Figure 10), and it is one function of this wife-daughter role to accomplish this important political action.

562 593 554 *613 182 The role of wife-daughter, then, may be seen as one important aspect of what Fortes (1953:33) calls, "complementary filiation," the essential mechanism which provides the link between the corporate groups of al-Qasr society and the kin groups of the parent who does not determine descent.

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The boundaries of the Bedouin political community may be defined so as to include all of those authority groups which operate in accordance with the recognized legal code of the Western Desert. This code is referred to as 'awaiyid Awlad 'Ali, i.e. "the customs of the sons of 'Ali." The members of the Awlad 'Ali tribe identify with each other as a group. They recognize their common heritage and speak of "the Awlad 'Ali as one." But more importantly, the Awlad 'Ali represents a political community because they are "prepared to regulate their differences by means of decisions accepted as binding because they are made in accordance with shared political norms and structures" (Easton 1959:229). Recalling the discussion of familial authority and internal and external systems of authority relations, we may think of the Bedouin political community as a composite of authority or jural groups "within which there are a moral obligation and a means ultimately to settle disputes peaceably" (Middleton and Tait 1959:9).

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In al-Qasr, political order and the articulation of political relations between secondary corporate groups depend upon something besides structural and ideological uniformities. Although blood-revenge and feuding do not take place at the internal system of authority relations, they are common means of controlling the distribution of authority and power between secondary units. Though these mechanisms or sanctions are considered "the right of the Arabs," since they do threaten

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peace and security in the desert they are discouraged by means of the moral and legal norms expressed in the 'awaiyid, or law of the Bedouins.

Conflict regulation between secondary groups is the function of the 'awaaqil who act as legitimate representatives in terms of the rawaabit, and as legitimate judges and decision-makers in terms of the 'awaiyid. Not all conflict in the external political system is, in terms of our structural levels, between secondary authority groups, but seldom is any group larger than the secondary unit mobilized for political action. In other words, even where we note that conflict is between two primary units, i.e., the 'Aishaibat and the Kamailat, there is probably, in fact, political action taking place between two secondary groups within the respective primary groups. However, there always exists the very real possibility that greater conflict will be generated involving primary and even tribal units.

In the next section of this chapter, I will discuss Bedouin law and sanctions within the framework of the lineage structure and the authority levels at which they operate. The following section will further illustrate the legitimacy and dynamics of authority and structure in Bedouin society.

554 One 'aqila claimed that the rajal khair is a person
627 who shares in his own authority and presides when he is
*613 away, but he separated the "rights" of the two roles. The
[779] 'aqila is able to force two parties in conflict to read the
[578] Fatiha, the first sura of the Quran, in order to terminate
the problem; this is beyond the rights of the rajal khair whose
influence is not directly supported by sacred sanctions. But
[784] the role of rajal khair does have its "sacred" aspects, for
all Bedouins know that "you should never harm a rajal khair
or God will punish you for this." I never heard this same
thing said about the 'aqila.

554 Historically, it was perhaps the case that the rajal
627 khair was the person of high status who represented the authority
*613 of an absent 'aqila. The role never became institutionalized
182 but functioned as a support and substitute role in a structure
dominated by that of the 'aqila. In a segmentary society
627 where the various structures exist in opposition to one
•628 another, it is important that an institution, such as a third
182 non-partisan element, exists to facilitate communication
578 between parties for the purposes of conflict regulation.
Besides the rajal khair, an example of this would be the
traditional case of the wife from an outside tribe who alone
was permitted freedom of passage between the two warring
parties. Her purpose, it was assumed, was that of peace-making.

619 184 178 582 In recent years this has changed, however. The increased importance of wealth in the recently introduced money economy relaxed the endogamous tendency that was characteristic of the Sa'adi tribes.

619 184 In discussing the position of the Murabiteen tribes it is worth noting that not all the Murabiteen tribes in the area occupy the same position. Some enjoy relatively higher positions than the others. Actually, there are two kinds of Murabiteen in the area: Mustaqillen (independent Murabiteen); and the dependent Murabiteen. The latter are further subdivided into Murabiteen bil-baraka (with the blessing); and Murabiteen bil-sadaqa (with the tribute). The only independent Murabiteen in the area is the Gemei'at tribe. These are the original settlers [173] of the area. Because of their help to Awlad Ali against the Hanadi, the latter were defeated and Awlad Ali were able to occupy the Western Desert. For their part the Gemei'at tribe was granted its independence by Awlad Ali and were given one-third of the total area as their homeland (watan). 619 184 778 682 In theory, the Gemei'at tribe occupies the same position and has the same rights as the Sa'adi tribes, including the right to offer their protection which is denied to all other client groups. In practice, however, this seems to be of no practical value. None of my informants could remember a single case in which a murderer has taken refuge at a segment 619 778 184 682 of the Gemei'at tribe. The importance of the nazala is not merely to be safe from the pursuit of the victim's group but rather to provide the mediators who undertake the crucial task of negotiation on behalf of the murderer and his gorup. It is the ability to settle the dispute on a 629 628 permanent basis that offers the actual long-lasting protection, even after the time of the nazala expires. To be successful in his pursuit,

619 the negotiator has to have behind him the full weight of his tribal se-
778 gment. Since the origin of the Gemei'at tribe as a Murabiteen tribe is
184 well known, any negotiator has to rely almost entirely upon his own skill
682 to affect any settlement; even if he is able to affect such a settlement,
627 there is no guarantee that it will be permanent.
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619 The Murabiteen bil-baraka and Murabiteen bil-sadaqa occupy the same
792 position as vassal groups. The only difference between the two is that the first, the religious men, are much more respected than the latter. They are feared by the other tribes because of the belief that they have direct contact with the religious and spiritual world and can harm those who dare to offend them in one way or another. Because of this factor
[627] and of their neutral position with regard to the rest of the tribes, they
[628] play an important role in mediation and dispute settlement.

619 The origin of inferiority of the Murabiteen tribes in general is
184 hard to account for. Kenneth (1925) believes that hundreds of years ago
174 the Murabiteen were essentially the holymen. They learned to read and
792 write the Qoraan and grouped themselves around the "zawias' which were the centers of learning and religion. While indulging in their religious practices their flocks ere grazed miles away in the open desert under the charge of the Sa'adi shepherds, who originally were the poor paid workers of the Murabiteen. These shepherds, living out in the open, were busy fighting away the raiders attempting to steal their flocks. As time passed the Sa'adi shepherds became not only tough fighters but also wealthy. This latter end was achieved partly as a result of successful raids on neighboring tribes. Later when the Sa'adi planned a large raid, they entrusted their flocks to the Murabiteen, who by that time had become dependent upon the Sa'adi for their protection from the raids of other tribes.

613 Article 9:
675 The Amar should never fight on the side of the wrongdoer, because if
539 it does, it will have to pay with him for his wrongdoings.

Article 10:
[628] Any dispute or fight involving a member of the Amar and an outsider should be reported to the awaqil in the Amar who are supposed to take the matter up with the other party. If the awaqil are convinced that the outsider is the aggressor or that he is at fault, they should try to make him accede to the demands of the members of the Amar, using all their efforts to convince him and the aqila of his bait. If he refuses, they [619] should call him for a "Miad" (tribal meeting) in which all parties involved should be represented by their respective awaqil.

Article 11:
[563] With regard to "iktitab" (tribal adoption), an outsider wanting to
[619] join the Aggary Family or one of its constiuent buite must be asked first about the reason or reasons for his desire to join. This must be done in order to know what kind of person he is and whether he will become a burden and liability to the Amar. If he proves to be of reputable standing, the aqila of the bait he wants to join can accept him without consultation with the rest of the awaqil. If on the other hand he is found to have grudges against someone or if someone has a financial claim over him, then the aqila of the bait cannot accept him without consultation with the other awaqil in the Amar. If all the awaqil agree to accept him, he is considered like one of the Eilat Aggary, having the same rights and bearing the same responsibilities.

Article 12:
A memberof the Amar who wants to separate himself from the Amar and get a "barawa" has to state his reasons beforehe can be released from the obligations of his membership in the amar. If his request to get the barawa was because of injustice he suffered by the Amar or any of its members, the awaqil have the duty to straighten the injustice and restore his rights. If, on the other hand, his request for the barawa was to avoid paying the Amar, then he cannot be released from his membership unless he pays all of his share, or else he must return all that the Amar has paid him until the time he asked for the barawa.

Article 13:
[695] If one of the Amar is accused of an offense for which he is tried by
[693] the legal system of the state, the Amar as a whole share the expenses of hiring an attorney to defend him. This, however, is done after the awaqil are sure (by means of administering the oath) that he is innocent and that the accusation is false.

CHAPTER V

POLITICAL LEADERSHIP AND JUDICIAL PROCESS

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One of the most idstinguishing aspects of the legal system of Awlad Ali is the absence of any formalized judicial structure. Disputes are solved mainly through the mechanism of informal mediation rather than through formal hearings of a court during which the facts of each case are presented and judgment based on the facts is passed. This does not mean that formal hearings are not known on the area. For the "Mi'ad" or tribal hearing is a common and very important practice in the tribal proceedings. The Mi'ad, however, is not a tribal court. It is merely a gathering of all interested parties and anyone else who wished to attend, in which the agreement reached behind the scenes by means of negotiations are announced.

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The first Mi'ad I attended was held in the house of Sheikh Mughaieb, the Aqila (tribal leader) of bait Mughaieb of the Sanagrah tribal segment in the area of Hammam, 60 miles west of Alexandria. The case that was to be settled at the Mi'iad involved the assaulting of Sheikh Mughaieb ty two younger members of bait Dauoud who lived in a nearby camp. The dispute started when Ali, the youngest brother (14 years old) of the two assailants, found a piece of iron in the desert. Suspecting that it was a mine, he took it away from the camp to the small garden in the backyard of Sheikh Mughaieb's house, surrounded it with dry weeds and set fire to it. The piece of iron was in fact a mine and it exploded, damaging the trees and a window on the Sheikh's property. At the sound of the explosion Sheikh Mughaieb rushed out and found the boy trying to run away from

628 683 613 the area. He caught him and slapped him and ordered him not to do it again. After a short while the boy returned with his two older brothers who protested Sheikh Mughaieb's hitting their younger brother. The argument developed into a fight during which the two brothers hit Mughaieb with a heavy stick over his head making him unconscious.

The Mi'ad was held two weeks after the incident. When I arrived at Sheikh Mughaieb's house, the meeting was being held in the guest room in the back of the house. Present at the meeting were Sheikh Mughaieb, his father, two distant relatives of Mughaieb who were visiting the area at the time; Sheikh Mutair, the Aqila of the powerful bait of Mutair located some twenty miles east of Mughaieb; the two assailants, their father who at the same time was the Aqila of their bait, and two neighbors of Sheikh Mughaieb.

[576] For the first half hour or so nothing was said. People were sitting silently except for occasional greetings of "how are you?" and the response of "thank God for everything". Tea was served frequently. Then [779] Sheikh Mutair addressed the gathering and read the "fatha" or the beginning passage of the Qoraan (which appeals to God to show his right ways to the believers and to guide them to wisdom). He then said, "In the blessed presnece of all these honorable guests and with the help of God and his prophet we will clear the hearts of those concerned of the grudges caused by the shameful and unfortunate incident in which the devil has played a major role." Then Sheikh Karim, the Aqila of the bait to which the accused belonged, continued the speech saying that this shameful thing should never have happened and that his sons must [867] have been possessed by the devil to have done it. After all, they have been brought up to respect their elders and especially Sheikh Mughaieb, who was like a second father to him.

628 who was like a second father to them. He praised Sheikh Mughaieb for be-
683 ing understanding. He then said that Sheikh Mughaieb was very generous
613 and that his sons had come to Mughaieb the day before and kissed the top
[576] of his head (an expression of respect for forgiveness). He said that no money, no matter how great, could erase the harm done by his sons but that he had offered to pay Sheikh Mughaieb the sum of 400 pounds as "kabara" or face-saving compensation. (The kabara will be discussed in a forthcoming chapter, but for the time being it is worth noting that the above amount is the maximum for such compensation since it equals the bloodmoney for a man). Then he turned to Sheikh Mughaieb and asked him to accept it in front of the respected guests. Sheikh Mughaieb then spoke for the first time and said that the two boys were like sons to him and that he had no hard feelings toward them anymore, since he believed that young people were sometimes carried away in their actions. He then proceeded to say that in honor of the honorable guests who took the time to attend the hearing he was forfeiting half the amount. At that time a woman brought the food the women were cooking for the gathering, and Sheikh Karim asked Mughaieb, "How about the honor of the good women of the house who have done all the work and cooked all the food? If you ask me, they deserve at least another hundred pounds." Mughaieb said, "All right, fifty pounds for the home of the women, but no more." After that Sheikh Karim paid the amount of a hundred and fifty pounds to Sheikh Mughaieb and shook hands with him. He also shook hands with the two young men who had assaulted him, and the gathering started the dinner and tea.

627 Not all Mi'ads in the area proveed with that smoothness. Many of
628 them are characterized by shouting and arguments and frequently no

627 agreement is reached. In fact, later one of the people attending said
628 that my presence made everything run smoothly in that particular Mi'ad
[123] because they felt that they should show me how peaceful Awlad Ali were. This was mainly supported by my own observation of other Mi'ads, some of which are described later, where parties were less understanding of one another and where no forfeiting of any part of the compensation occurs. This is particularly true when the Mi'ad is held to acknowledge the failure of the negotiators to reach an acceptable agreement among the parties.
[681] This is also true when one of the parties to a dispute denies the charge and insists on not paying any kind of compensation. In such cases the Mi'ad is held to decide upon a different course of action, usually the administration of the oath, as will be discussed later in the chapter.
[182] Despite its typical nature, the Mi'ad described above exemplifies the nature of the Mi'ad and its purpose as a process of making public what has been achieved in private negotiations. No evidence is presented and evaluated in the Mi'ad, no hearing of witnesses, no passing of judgment based on the evaluation of the facts of the case. Actually, the facts of the case are never presented and a person who is not acquainted with them before hand has no way of learning what the dispute is all about by merely listening to the discussions of the Mi'ad.

628 The key role in the process of mediation in dispute settlements is
613 done by the Aqila or the leader of the bait. When a dispute occurs between members of different baits, each party goes to the Aqila of his bait who takes immediate steps tomeet with the Aqila of the other party and discuss the matter with him in an attempt to reach a settlement. He acts as a representative of members of his bait and defends their interests in

628 613 the settlement achieved. In many such interest is best served by taking into consideration the welfare of the other party to the dispute as well.

613 554 157 Reasonableness is an important prerequisite for the success of the Aqila in performing this functions in dispute settlement. This is true whether the Aqila is dealing with disputes between members of his own bait or between members of his bait and outsiders. But while reasonableness and the personal qualities constitute important assets for the Aqila, they are not the basis of his political authority.

613 554 178 Proven abilities are admired but they are, or had been until very recently, irrelevant to the question of succession to the position of Aqila. The structurally significant source of the Aqila's authority is patrilineal succession. This principle has recently been challenged under the impact of social and economic changes that are taking place in the area. To analyze the role

121 613 128 of the Aqila and the source of his authority, I shall utilize, to some extent, Turner's concept of "social drama" by presenting and analyzing a case of dispute whose developmental stages happened over a period of more than eleven years. The major part of these developments occurred at the time of the field work and I had a chance to observe at lease part of it. The case in all its phases offers a rare example of a disturbance that happened in the social life of a particular tribal segment. It offers what Turner called "... a limited area of transparency in the otherwise opaque surface of regular, uneventful social life" (p. 93). The political unit involved is that of bait Asabe'i, the largest in size of all baits in the Aggary Eila. As events of the case unfolded themselves, some of the important principles of social structure, at least as they operate at a given point, were revealed.

613 554 that prevents the Awaqil of the amar from rallying support around another person.

613 178 554 In the case of the Aggary amar Hakim was their choice as the man to replace the original Aqila. What happened in the Aggary amar could never have happened if bait Asabei' were more cohesive than it was or if the kinship ties "were still strong and durable" as one important member of the Sanagrah tribe commented. "If there was any respect to the forefathers left, Hakim could never have agreed to replace Shei'eb....Nobody would dare take a position from someone who inherited it from his father.... but bait Asabei' is not as it used to be."

613 628 554 The third domain within which the Aqila normally pursues his activities is that of the wide scope of tribal society in the area. The Aqila represents his bait in all matters involving the bait either as a unit or any particular member of it with other tribal segments. When an individual from the bait is involved in a dispute with a member of another tribal segment, the Aqila acts as the legal representative and the attorney of that member trying to achieve a settlement which is not fair for his client but also fair for the other party. To be successful in this area, the Aqila relies on his own personal qualities and persuasive abilities. If the Aqila is known to be fair and honest, a quick and permanent settlement is usually achieved since he is trusted also by the other party. If, on the other hand, he has the reputation of using dishonest techniques, mistrust prevails and achieving a settlement is usually delayed.

Like the domain of the amar, the present field of activities is no major source for the Aqila's political support in the baits where kinship solidarity is strong. His success in solving disputes between members

His success in solving disputes between members of his baits and outsiders might enhance his prestige within the bait, but it is not a substitute for patrilineal succession as the basis of the Aqila's authority. But in less integrated baits the situation is different. The ineffectiveness of the Aqila in solving disputes may lead members of his bait to seek another man as their representative who would act as a mediator in their behalf. If this continues for a long time the Aqila might find himself with no functions and the new person would become a de facto Aqila.

The Aqila represents the only effective indigenous form of leadership among Awlad Ali at the present time. The camp headman provides another form of leadership on the camp level, but, as mentioned before, the leadership of the headman is very limited and involves minimal authority. In addition to the indigenous leadership represented by the Aqila, there is the superimposed administrative structure of the government representative in the form of the "omda" system introduced into the area by the government decree no. 1187 of 1958. The system of omda or mayorship is essentially that applied to the rural areas of Egypt with certain modifications to fit the tribal organization and the semi-nomadic existence of the populations of the Western Desert. In rural areas, the omda is the administrative head of the village. He is appointed by the government from among the village inhabitants who have certain qualifications with regard to education (must be able at least to read and write), wealth (own at least 5 feddans of land in the area), and sound reputation. As such, the omda system in the rural areas is a territorial system. The omda's authority covers the territory of the village and all individuals living in it regardless of their kinship affiliation.

of drastic actions taken in cases of adultery. Of the fourteen cases of adultery that I examined furing my field work, none resulted in the killing of the adulteress, and only three resulted in the murder of her partner. In all three cases where the adulterer was killed, the avenger was the husband; and in all three cases, the husband had to pay the bloodmoney to the murdered man's kin group. His payment of the bloodmoney, among other things, may indicate that the right of the husband to kill the adulterer is not completely accepted among Awlad Ali. All agree, however, that such killings never result in blood feuds because of the shameful circumstances in which the victim dies.

It was very difficult to obtain any detailed or reliable information about adultery cases. All the above mentioned fourteen cases were gathered from the informants, twelve of which were cases which had already been solved. For the two cases which were still open at the time of the study, information was quite vague. Usually such cases are conducted with a great amount of secrecy, with the involved parties referring to them as cases of theft, or merely by saying that the cases involve women. Only when the adultery leads to the killing of the adulteress or the adulterer are more details publicly known about the case.

But while the right to retaliate for the shameful action of an adulterous wife is vague and diffused, the right of the husband for compensation from the adulterer remains clear and undisputed. In this resepct, adultery is treated very much like theft; the adulterer has stolen the husband's exclusive right to his wife's sexual activities. The compensation for this offense is estimated at L.E. 20, in addition to the mahr, if the husband decides to divorce his wife as a result of her adultery.

CHAPTER VI

HOMICIDE AND BODILY INJURIES

Part 1: Homicide

579 Fighting is quite common among Awlad Ali. Many of these fights involve a large number of individuals and result in many casualties 579 and sometimes even deaths. Fighting is considered "shar," or evil, 673 for according to Awlad Ali, it threatens the social cohesion which is 182 highly valued in the area. Yet, although undesirable, fighting and [682] even homicide are not considered a crime against society and sometimes are viewed as necessary to safeguard individual and collective rights in the absence of an established authority which could protect these rights. Although this absence of an authority is remedied now by the [177] introduction of state administrative justice, this has not yet achieved [692] enough efficiency and recognition to replace the old tribal system.

619 In the tribal system, there is no concept of individual punishment 681 inflicted upon the suspect. There is no recognized authority to inflict 692 it. The mardi or the 'aqila who performs the function of dispute settle- [229] ment in the case of homicide has no power to pass or inflict any punishment. His role is restricted to mediation between the two parties involved 682 as was earlier mentioned. Homicide, like all other wrongs among Awlad Ali, 673 are private wrongs affecting the individual or a group of individuals. [182] The main purpose of the tribal proceedings in the case of homicide is to restore some form of harmony and order among the group. This harmony is sometimes restored by killing the murderer or any member of his vengeance 682 group, or amar. Feuds may result from such killing, and a few instances 628 of feuds have, in fact, been recorded in the area (although not in the

last two decades). But a feud in the form of extensive, long-term killing between two groups is very rare among Awlad Ali. The principle of life for life upon which a feud operates would rarely lead to a permanent settlement or peace, even when the sense of revenge is satisfied for the moment. Among the group, this form of permanent settlement is more likely to be achieved through the payment of bloodmoney, or "diyya." The payment of the diyya is based on the assumption that the group has lost, in the deceased, an economic asset. It has been deprived of his services, both in supporting his immediate family and in the collective activities of his amar. This is illustrated in the distribution of the bloodmoney. Only half of the bloodmoney is paid to the immediate family of the victim, the other half being divided equally among adult males of his amar or vengeance group. This is intended not only to satisfy their sense of indignation and curb their desire for revenge, but also to insure that when the time comes to share in the payment of the bloodmoney, they will pay.

The cessation of feuds in the area seems to coincide with the cessation of inter-tribal and intra-tribal warfare. During the era of tribal warfare, the killing of a tribesman meant the loss in the fighting power of his tribal segment, and feuding, with its emphasis on life for life, had the purpose of restoring the balance in fighting power among the groups involved. Monetary compensations were not known in the area during that time, according to the informants' accounts, but they were usually restricted to cases where either the victim or the killer was a non-tribal person. With the cessation of tribal warfare, the death of a tribal member became more an economic, rather than a political, loss,

682 agreed that the sticks were not by nature lethal weapons. The
672 latter, according to the tribal law, are only guns and knives,
627 since they give the victims no chance to defend himself. They ruled the case unintentional killing for which only L.E. 300 should be paid.

682 Since Yadem and his brother were arrested by the police for
625 their crime, the payment of the bloodmoney was postponed until
692 the case was settled according to the state legal system. Only half of the bloodmoney was paid and the rest was postponed until the case was decided upon by the legal system and Yadem released.

682 This is obviously a case in which the nature of the killing was
672 decided upon by drawing upon the material aspect of criminal
673 causation. The nature of the weapon used was the major determinant
[411] of the crime. Only guns and knives are defined as lethal; all others are non-lethal by nature, although they might cause the death of the victim. Death caused by a non-lethal weapon is considered as unintentional regardless of whether or not the actor intended the results, while death by a lethal weapon, even without the intention of killing, is classified as intentional killing, as appears in the following case.

CASE #4: The Case of the Threatened Tribesman

613 For more than five years Bait El-Hawi from the Sheibat tribe
628 had been in a continuous state of feud with Bait El-Asi from the Gemeiat tribe. One night, during a Khamasein sand storm when visability was extremely low, Abd-el-Galil from Bait El-Hawi heard a noise outside his tent, and the dogs were barking indicating that a stranger was there. Being sure that someone was approaching

613 the tent and fearing that he might have been a member of the
628 feuding Bait intending to harm him or members of his family, Galil took his gun and went outside to see who was there. He called on the person to identify himself. When he got no answer, he warned him that unless he identify himself, he (Galil) would fire his gun in the air as a warning. After a short period of no
613 response, Galil fired his gun in the air. A moment later, Galil
628 heard a cry coming from the direction of a small hill at the side
682 of the tent. When Galil went there, he found Salem, a member of a neighboring camp, lying on the ground with a bullet wound in his stomach. He told Galil that his wife was sick and that he had come to borrow Galil's donkey to take her to the doctor in the nearby medical center. He had taken the short cut to Galil's tent when he was hit by the bullet which Galil had fired in the air. Galil took his wounded neighbor to the medical center, but Salem died before they reached it.

682 The Mi'ad was held, and Galil and his family had to pay L.E. 400
672 to the victim's kin group. The amount was that specified for in-
627 tentional killing, since the wound that caused the death was in-
673 flicted by a lethal weapon.

CASE #5: The Case of the Startled Shepherd

233 This case involves Idris, a poor member of the Sheresat tribal
[464] segment. He earned his living by working as a hired shepherd for
[619] 'Awwad from Bait Ibrahim in the area of Gharbaniat. During the dry
[312] season, each shepherd takes his flocks to the water wells near the coast and leaves them there for three or four hours to get their fill of drinking water. That afternoon, Idris, waiting for the

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

provocation, did the same in Cyrenaica, the Order had no choice but to resist.

But though it was attacks from the outside which destroyed the theocratic empire of the Sanusiya, it may be considered doubtful whether in any case such extensive territories could have been maintained under single direction. The economic and political organization of the Order was crude, even when elaborated in the days of Sayyid al-Mahdi in response to increased trading activities and to the need of maintaining peace in the petty and barbarous states that had come under its influence. Its administrative machinery was at no time adequate for effective control over such wide domains, with their poor communications and their manifold tribal, racial, and cultural divergencies. To these weaknesses must be added, after Sayyid al-Mahdi's death, personal rivalries within the Sanusi family on the lines of which cracks began to appear in the loose empire, and it is probable that even if it had not been attacked by the Powers of Europe it would have broken up into a number of principalities, or spheres of religious influence, ruled by various members of the family. It might indeed be possible to sustain the thesis that it was the Italian occupation of Libya which prevented the complete break-up of the Order by rallying the outraged sentiment of the Bedouin to its side as the symbol of their common resistance to conquest and alien rule.

The administrative organization of the Order in the time of Sayyid al-Mahdi was simple indeed. Each lodge of the Order lived on its own revenues, derived from endowments, tithes, contributions of money, goods, transport, and labour, and sent its surplus to Jaghbub and Kufra for the maintenance of the University and of the Sanusi family and for the general purposes of the Order. The Shaikh of each lodge arbitrated in disputes in the district in which it was situated and could generally wield spiritual sanctions sufficiently weighty to compel acceptance of his awards. The Shaikh of a lodge was appointed by the head of the Order and was responsible to him. There was, however, so little centralized planning that new lodges seem occasionally to have been founded by the initiative of influential families without the head of the Order hearing of the new foundation till its completion. In the more distant parts

The Proliferation of Segments

complicate the more direct relationship of the distribution of groups of people to the ecology.[3]

The Cyrenaican genealogy, then, is a conceptualization of a hierarchy[4] of ordered territorial segments. The groups stemming from the ancestor at the third order of segmentation are referred to as tribes, and each tribe is the apex of a three-tiered order of segments, which, following customary practice, are referred to as primary, secondary, and tertiary. The latter, the tertiary segment, represents the group of people who, for a period of six to eight months, gather together and live in what, for all intents and purposes, is a single discrete residential group.[5] This tertiary group is also the smallest political group. It has its own homeland, with its water supplies, pastures, and ploughland. In this homeland live most of its members. It is a lineage segment, and most of the agnates of this segment live on their own homeland.[6] It is also the vengeance group, which means that any one of its members can be killed in vengeance for a homicide committed by any other, and that the obligation to exact vengeance falls on all members alike, regardless of relationship to the victim. Likewise, its members pay blood money as a group, and although when they receive it, a bigger portion goes to the nearest agnate of the victim, the remainder is distributed equally among all its members. The number of generations which supervene between the founding ancestor of a tertiary segment and the living is usually four or five, but there is little consistency in this number. Some tertiary

[3] This part of the discussion is necessarily brief, but further amplification will appear in two subsequent articles now in preparation, one of which is concerned with a general treatment of Cyrenaican genealogies, and the other with a discussion of the effects of ecology on the social organization of the Bedouin.

[4] I use the word hierarchy here since, although segments of any order display many like features, the orders represent distinct and progressively more embracing interests, and these differences are of such consequence that to consider one order of groups as a facsimile of a superior or inferior order can only lead to confusion. A tertiary group, that is to say, may possess many of the characteristics of a secondary group, but the one is a fundamentally different sort of group from the other, as I shall show in my forthcoming article on the feud. (cf. Smith, M. G. 1956.)

[5] This statement does not apply to the Darsa and the Hasa tribes, two of the plateau tribes in Cyrenaica. The statements in this article are confined almost exclusively to the camel herders of the semi-desert.

[6] This, admittedly, is too general a statement to make about such an important issue, but I would prefer to leave its documentation and precision for an article on the analysis of the composition of Bedouin camps.

4: Peters E-5 (1948-1950) 1970 MT9 Libyan Bedouin MT9
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segments show a lineage depth of three generations, while others show as many as six. No special importance is attached by the Bedouin to this number, although some writers claim that a depth of five generations is of particular significance among other Arab tribes.[7] Normally, in speaking of the vengeance group, the Bedouin refer to the name of the ancestor of a tertiary tribal section. Any one claiming membership of this group, regardless of his precise generational relation to the offender or the victim is immediately and equally involved with its other members. When speaking of the group as such, the Bedouin refer to it as 'those who have agreed on the blood', and use the phrase *'amara dam* to refer to it. Blood money does not pass between its members, and political division does not occur within it.

These small tertiary sections of tribes, then, are small residential groups. Their population varies from one group to another, but most of them have a total population of 150 to 200 souls. Successive generations—at least according to the Bedouin view—add to these numbers, and also increase progressively the number of generations in their genealogies. Substantial increases of population would, of course, constitute a pressure on local resources, on the water available in the particular well of a group, on the amount of land available for ploughing, and on the pastures for animals at the end of the rainy season. Again, if each generation is to be added to the existing genealogy, this would necessitate a realignment of structural relationships with each succeeding generation. The discussion that follows is an examination of the ways in which adjustments are made to maintain an equilibrium between the population of a group and the carrying capacity of the land on which its members live, and of the ways in which the genealogical structure is able to persist in the face of various contingencies which threaten it.

A beginning might be made by indicating the processes at work to keep the form of the genealogy fairly fixed when there is an absence of population pressure on resources. The first problem is the simple one of describing the mechanics of manipula-

[7] e.g. Burkhardt (1831), speaks of the *Khomse*, the five generation group, as very widespread among Arabs. G. W. Murray also reports the use of the word *Khomsa* among the Arabs of the Sinai desert to designate the blood-vengeance group, but the term used by the Aulad 'Ali tribe, the cousins and Egyptian neighbours of the Cyrenaican Bedouin, he gives as *Awlia'-ed-dam* (which simply means 'blood kindred').

5: Peters E-5 (1948-1950) 1967 MT9 Libyan Bedouin MT9
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682 a rule by the return of the offender to his camp after the lapse of a number of years. A man who had already killed six people killed a seventh, his first paternal cousin. He and his brothers fled the tribe; he died in exile and it was not until some thirty [123] years later that his brother and nephew returned. Another man, who had killed his first paternal cousin, used my entry into a camp as the occasion for his re-entry, pitching his tent rope on rope with mine, and mine in turn was rope on rope with the tent of the camp's shaikh.[1]

621 682 613 [551] An effort is always made to hush up the matter when a homicide occurs within a tertiary section. It is for this reason that the name of the victim is not perpetuated. Normally it is an obligation to perpetuate the names of the deceased, especially when they have been killed in homicide, but in the circumstances now being discussed the name is suppressed. As one man expressed the general sentiments, stretching out his toga in front of him: 'Look at the hole in my toga; it would be better without it, but what can I do? Make it bigger? It is better to cover it up.' Any penal action taken against the offender could only enlarge the wound he had already opened. The notion of corporate identity is so strong that it eliminates the use of penal action against one of its members for the greatest offence of all. While overtly every effort is made to expunge the memory of a homicide of the sort described above, the Bedouin are most articulate in their views about the offender. He is referred to as one who 'defecates in the tent' thus likening him to an animal, for no human being would do this. Other expletives used in reference to him are: one who 'destroys the lineage', who 'corrupts the family'; he is one who 'brings confusion', who 'provokes God' and causes 'the evil of leprosy to eat into relationships'. Their feelings about the offender, who 'commits robbery internally.', are summed up in the word *fitna*. This, in its Cyrenaican use, corresponds closely to the notion of sin as it is used in the Old Testament; in the sense, that is to say, of an act which causes an impasse in relationships, which creates chaos among a small group of related people, and produces internal calamity. And this is indeed the situation brought about by such homicide among the Bedouin. Flowing blood, they are wont to say, can only be staunched by blood (i.e. a vengeance killing), but if a man kills within a close agnatic range the corporate body continues to bleed. Nothing can be done. The group is left helpless, and this is sin.

The first step in this exposition, therefore, is to attach to homicide within a tertiary section the notion of its being *fitna*, carrying with it voluntary and temporary expulsion.

682 628 621 613 A homicide which involves two collateral tertiary sections is a different matter altogether, for now the parties constitute two discrete political groups. Political machinery can be set in motion to deal with the breach in relationships, and consequently a homicide of this sort does not pose the dilemma which is created when it occurs within a politically undivided group. Not only do agnates of two collateral tertiary sections behave towards each other as two groups of people, but the nature of their relationships is fundamentally different from those obtaining between mem-

682 [1] a first cousin in cold blood because of a dispute between them over the ownership of a new-born kid. Although this was the only reason given by the Bedouin other considerations were involved—the victim was said to have been a fine person, and his killer a constant trouble maker, and so on.

[1] See for comparison Robertson Smith, 1903. The tent is an area of sanctuary, and this extends to include the ropes also.

5: Peters E-5 (1948-1950) 1967· MT9 Libyan Bedouin MT9
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bers of an undivided group. It is erroneous to suppose that because the different orders of sections are homologous in their structural aspects they do not differ; they do, because the interests associated with the various orders are different.[1]

Collateral tertiary segments are associated with different tracts of territory. Each has its own watering rights as a group, and although groups may share a grain store, it is divided on group lines. Members of these different groups do not gather together in summer to form a single community, though at some of the very big watering points they are near each other. Social relationships between them are, however, intense. Visits are frequent. They meet to exchange news, or to inquire after the sick. They exchange greetings during the major festivals, and members of one group attend the funerals and weddings of the others, taking gifts. They also meet at the grain stores. Herdsmen, as they pursue straying animals, wander freely in their neighbours' territory. Relationships of this sort, some of them urgently necessary for survival, do not permit the feuding relationships to be described presently. Permanent hostility which characterizes the feud would seriously disrupt everyday economic activities, limit the pastoral movements of the Bedouin beyond endurance, and sever lines of communication which they always strive to keep open.

A homicide, when it involves two collateral tertiary groups must, therefore, be resolved quickly. This can be effected in two ways. Vengeance may be exacted immediately. This is always referred to as a vengeance killing or *thār*, and is to be distinguished from a superficially similar act within a tertiary group, since *thār* carries with it the implication that it is premeditated. A *thār* between two tertiary sections is considered to be the best way of settling the affair and, after an appropriate lapse of time, a peace meeting is held at which it is accepted that the killings have cancelled each other out. The deliberations at this meeting are followed by a meal at which all present 'eat around the one bowl'; the meal over, they all pray together. A life had been taken for a life and the way is now open for the restoration of normal peaceful relationships. Vengeance needs to be distinguished from feud, for while retaliatory killings provide the propulsive force in the feud a vengeance killing may be the means whereby a settlement of hostilities is made possible.

An end to hostilities may also be brought about by a promise to pay blood money or *diya*, and its acceptance by the victim's group. Arrangements for blood-money discussions are made by a category of persons known as *marabtin bi'l baraka*, or 'clients of the goodness', men who, by virtue of descent and origin, stand outside the descent lines of the noble tribes, and who are accredited with divine goodness. They tend the sick, write amulets, and are always present at a peace meeting to give it the weight of their baraka. Soon after the homicide has occurred they act as intermediaries to bring the hostile groups together at a peace meeting.[2] Ostensibly, the first part of the proceedings at these meetings is to settle the amount of the blood money, and how and when it is to be paid. Agreement on these counts will have been reached, however, before the large peace gathering is assembled, for there is a gener-

[1] This statement requires more documentation than I am able to give to it in this paper, but the descriptive details given hereafter give it some substance. See also Smith, 1936.

[2] It is necessary to add here that these clients do not assume coercive powers. They are granted the power to curse, but the curse that is feared is the curse of their dead when an oath is given at a saint's tomb. When they know that groups wish to make peace they assist as messengers in bringing people together, but they do not use their power to curse as a pressure.

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ally recognized amount of blood money to compensate a homicide. The wrangling that goes on at the meeting is of a conventional kind, and it is known in advance that several distinguished guests present will supplicate for a reduction of the amount demanded by the victim's group, until the amount generally accepted as appropriate is reached. Such haggling makes it possible for the victim's surviving agnates to maintain the fiction that they yielded only under the strongest pressure from the desert leaders and holy men. The main importance of the meeting is that the two hostile groups are brought together again for the first time, that the cleavage between them has been narrowed sufficiently to permit them to eat round one bowl, and that, by virtue of this commensal meal, the way is now open for the restoration of normal relationships. Subsequently there may be another killing, which, in the mind of the perpetrator, is connected with the earlier death of a kinsman, but it is not publicly recognized as one in a series of killings, or even as a vengeance killing; it is regarded as unique, and the method of dealing with it is on the basis of this fiction. Feud is not permitted between two collateral tertiary sections, for although the pattern of homicide may be similar to that of a feud, the two are never equated. There is good reason for this, since, whatever the similarity in pattern, the social relationships between the groups involved are radically different; each homicide involving tertiary sections is regarded as a unique event, and the relationships between times are friendly, whereas in feud relationships are permanently hostile and need not be otherwise for social, economic, or religious purposes.

Blood money when it brings peace brings it because payment is made only in part. It is never regarded as a payment for the life of a man, to be dissipated wantonly. 'The owner of the blood' should marry a wife with it to beget children (one son to be named after the victim) or to buy camels to provide for a future marriage, or to buy a horse to be used to ride in bringing vengeance. Sufficient is paid to cover either of the first two alternatives; as far as my records go the third alternative is romanticism. At the peace meeting the offender's group does not promise to pay the total amount in one sum. An initial instalment is promised after the next lambing season or barley harvest. When the time comes it can be argued that the sheep dropped a disappointingly small number of lambs, or that the barley harvest did not fulfil expectations. If there is room for negotiation over the initial payment, the permitted manœuvring over subsequent payments is much greater. Promises made at the peace meeting relating to these subsequent payments do not specify the exact amount of each; the statement is no more definite than that the remainder should be paid over the following three to five years. Consequently when the second payment falls due, the offender's group can argue more cogently that their circumstances do not permit even a reduced payment, for the payment of the previous year was substantial and they have not yet recovered from this outlay. 'The owner of the blood' is pressed to consider this, and to accept only a fraction of the wealth he had come to collect. The argument is cumulative, and can be used to excuse the rapidly decreasing payments of each successive year, until there comes a time when attempts to collect payments are discontinued. The arguments about the payments bear no relationship to the wealth possessed by a group. During the annual haggligns, and while members of the offender's group are declaring their straitened circumstances as an excuse for the small amount offered, the 'owner of the blood' knows full well that two or three

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621 hundred of their sheep are grazing in the neighbourhood. This is beside the point.
613 What is important is that the offender's group is showing a desire to remain on
628 friendly terms, and members of the victim's group are doing likewise by accepting
682 reduced amounts. Compared with what the payments should be, after four years they
are trivial and soon cease altogether. Blood money, if it is to achieve the purpose of
621 restoring peaceful relationships, must work in this way among the Bedouin, for, as
613 they view the matter, a single payment of the full amount would only terminate
628 relationships. There would be no further obligations to hold them together. The
682 payment of a debt in full means only one thing—hostility. Where there is no debt,
571 there are no relationships. Debt must be allowed to run between groups, for it is this
182 which creates obligations and perpetuates social relationships.[1] As the debt of blood money mounts, the social relationships between the groups improve. The cessation of payments and the absence of further demands is final earnest that the relationships are again normal.

613 The second step in this exposition, therefore, is to attach to homicide between
628 tertiary sections the penalty of vengeance or the payment of blood money, both
62 achieving the same end of bringing about a restoration of peaceful relationships.
682 Between secondary sections, relationships are again different. Ecologically, the
619 areas are distinct. The topography may be dissimilar—sand dunes in one area and
613 low valleys in another; secondly, the soils may differ—sandy soil here and firm valley
[133] bottom soil there; thirdly, while the climatic régime of the two areas may be broadly
[132] similar, since there is marked variability in the aggregate annual rainfall which is coupled with a high variability from place to place, each secondary section has its own micro-climate, sufficiently well defined for one area to be well watered in any given year while a neighbouring area suffers partial drought. These differences affect
[221] productive activities. Seasonal movements are also affected: some secondary sections move annually over considerable distances and in fixed directions, while members of a collateral section may move only a few miles and these short moves may vary in direction from year to year. It is true that minor ecological differences exist between collateral tertiary sections, but these do not affect the economy and the way of life in the manner described for secondary sections. Partly because of their territorial extent, partly because of the larger aggregate population, the secondary sections are more self-contained, not only ecologically and economically but also in terms of social relationship. More of the requirements of everyday living can be met within the territory and span of a secondary section than within those of a tertiary section. Secondary sections develop a kind of specialization to the extent that in any year some of them will have more usable natural resources than others, but because these differences are ephemeral they do not lead to the development of permanent trade relations. Add to all this the fact that agnates are concentrated in camps on the territory which belongs to their lineage, and the discreteness of secondary sections is
[582] immediately apparent. Marriage rules make this discreteness potentially, at least, even more sharply defined, for unlike other 'lineage societies' where exogamy, coupled with other marriage regulations, compels the dispersion of kin links among lineage

[1] This point becomes clearer when considered in the general context of debt relationship among the Bedouin. Marriage payments, gift exchanges, hospitality, various forms of help, and so on are all aspects, with blood money, of an intricate and fascinating web of debt relationships.

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619 segments, the Bedouin are free to marry within as close a range as the first cousin on
613 either side. Preferential marriage with the father's brother's daughter exists, not
582 merely as a sentiment, but with the legal force of permitting a man this choice against all other men. Before a father arranges the marriage of his daughter he first must seek the permission of his brother's son. Moreover, if a first-parallel cousin is not available, a Bedouin is free to take as a wife any parallel cousin within the minimal lineage. Much weight has been given to the value of exogamy as a device for the definition of groups; parallel-cousin marriage is equally suitable for the purpose—indeed it is better for it has the effect of knitting the members of a local group together as cognates, thereby throwing the group into isolated relief.

613 Consequently, when a homicide occurs between two secondary sections, there is
628 no urgent necessity to make peace, the relationship between them being of a kind
682 that can be controlled and altered to suit the circumstances. It is between these groups that the argument—if the argument is taken up at all—centres on the circumstances of the killing, every effort being made to show that insult was deliberately added to homicide, that one homicide is to be distinguished from another because a man of great renown was singled out as the avenger's victim, or that in a vengeance killing there was a breach of taboo as well. A debt is always left over, and it is an impelling obligation for the Bedouin to redeem it. They frequently speak of vengeance in this context as 'redeeming the debt'. Again, any homicide between two secondary sections is regarded as one in a series, whether the details or even the name of the victim of the previous homicide is known or not. I recall discussing a double homicide with a close kinsman of the slayer, and the only way he could account for it was by telling me that his kinsman had to kill because his victims were of such and such a group. The feud knows no beginning, and it has no end. It is a form of behaviour associated with a specific structural order, and it is as persistent as the structural order itself; in this sense it is eternal. It was most difficult to get the Bedouin to give accounts of homicides other than those which had occurred over the past fifty years or so, but they invariably claimed that the origin was earlier than this, although they were wholly unaware of the identity of the earlier victims. In any event, their only historical frame of reference is the genealogy; and history, as a chronological sequence of events, has no meaning beyond the founding ancestor of a minimal segment. When they refer events to points on the genealogy superior to this, they are no longer thinking in terms of the temporal order of events, but in terms of what they know to be the contemporary relationships between groups, for the names on the genealogy are names of groups and do not bear a relation to a time scale in any sense. Put in another way, for them a homicide which involves two secondary sections must be a feud, because this is the nature of the relationships between the groups, and there must have been previous killings, otherwise the people involved would not belong to two separate secondary groups.

The relationships which are referred to as feud are of a kind which requires at least a show of hostility whenever the parties happen to meet. Even if they do not actually meet, but are in the vicinity, some sort of demonstration is likely. Thus, several shots were fired at a man riding some distance away from a camp, and although positive identification was difficult at this range, the men of the camp argued it must have been a member of a group with which they were at feud otherwise the passer-by

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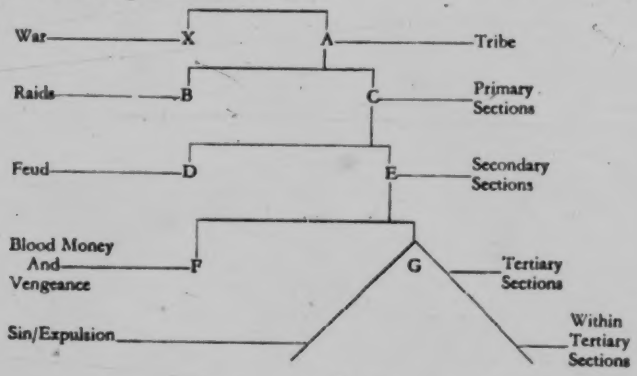
would have dropped in on the camp. In another situation, two men entered a shop in a market-place; inside sat two men of a feuding group who, instead of retreating hastily, greeted those who had just entered, and the latter returned the greeting with blows on the head from the butts of their rifles. Markets in Cyrenaica are recognized to be places of peace. In their actions the two offenders not only injured two others but also broke a taboo in a public place. The victim's group now had to avenge not only the injury but the insult that the breach of taboo carried with it, as well. In most feud relationships this is characteristic. It is never a matter of a simple homicide, but of killing a man at the entrance to his tent, between the centre poles of his tent, or taking the life of a minor, or an elder too old to carry arms and so on. Each successive killing ensures that the hostile relationships will be perpetuated.

The third step in this exposition, therefore, is the association of a state of feud with the secondary order of segmentation.

When the relationships between the structurally superior primary tribal sections are examined, the arguments against the necessity for peace are stronger than in the case of secondary sections. Relationships between them are few and irregular. Only occasionally do members of these groups meet, and then often accidentally; very many men of collateral primary sections are complete strangers one to the other. If a homicide occurs between two primary sections it is unlikely that any attempt to open negotiations will be made. The offender's camp may be raided by a *ghazi* recruited from the victim's kinsmen. There would be no question of these primary sections going to war. On a raid firearms may be used, but the action is limited to a strike-and-run affair. If the issue is joined and members of both sides are ranged against each other they fight with sticks to avoid large-scale slaughter: warfare must not be allowed within the tribe. Wars belong to intertribal relationships. For one of these wars, apart from hearsay evidence, some records exist. These tell of a war which took place during the period 1860 to 1865, in which there were planned campaigns, the organization of fighters into groups, and provisions for a labour force in the home territory, large enough to produce sufficient food to maintain an army in the field. During this war several hundred people were killed.

At this point, it is possible to summarize the stages in this exposition of the Bedouin view in diagrammatic form.



613 582 121 Among the Bedouin, men are permitted to marry their father's brother's daughter and any other cousin of similar type within the local agnatic group. This means that most agnates will be related in other ways as well. Parallel-cousin marriage has the effect of diversifying the agnatic group, and creates small nuclei within it, each having its own characteristics and patterns of behaviour with others. Diversification of this kind leads to a differentiation between homicides within the tertiary group.

The Bedouin say that they always marry their parallel cousins, and do not give their daughters to others if they can help it. Census data does not support this view. Nearly as many men find wives outside their agnatic group as within it. Of importance in the present context is the direction taken by these external marriages. Perhaps 121 582 628 613 [621] the most striking feature is that the number of marriages with men of a collateral tertiary group is low, so low that they can be explained by special circumstances. Now collateral tertiary groups whose territories are adjacent experience intense day-to-day relationships. In the context of descent these are the most closely linked lineages—among older men there may be the recollection of the time when the two constituted a single community, and when they all lived together in the same summer camp. Common sentiment between them is very strong. The strips of territory they inhabit may be almost identical. Their discreteness lies almost entirely in the possession of separate natural resources, although in some cases pastures are shared. But their social boundaries are nevertheless sharply drawn, for the high incidence of parallel-cousin marriage within them, and the tendency for external links to leap-frog collateral segments, gives them a definition which could not be bettered by exogamy.

121 628 613 578 The basis of their discreteness lies, of course, in the competition that exists between them for natural resources; however much the Bedouin protest that their real enemies are the secondary or primary groups lying some thirty to fifty miles away, when they wish to enlarge their resources there is little point in attempting to capture a well a long distance away, which cannot be defended, and might be located alongside an enemy group. They do, it is true, engage in competitive hostilities over land and water situated some distance from their homeland, but when they engage in these activities they do so on behalf of a linked group, albeit with their own interests uppermost. The capture of natural resources for use by a tertiary group can only be achieved by an enlargement of its homeland, and this is only possible by expanding into a neighbour's territory.

121 613 582 Another feature of external marriages is that they are not spread among as many groups as in societies where there are exogamous clans, and where other rules of marriage appear to compel the maximum amount of dispersal. Instead, the external links created through marriage are highly selective, and are thrown out into ecologically differentiated areas, giving added economic security, or, in the case of date oases, an additional item to the diet at a time of the year when it is sorely needed. Once established these external links are perpetuated through cross-cousin marriages in successive generations. If the link is considered valuable, and relationships develop satisfactorily, other marriage connexions will be woven around the first. Multiplicity gives added strength and durability, not in the mechanical sense of duplication, but of creating a more diverse kin structure, with its greater range of rights and claims, in which links can flourish. While the number of groups linked in marriage are few, the geographical spread is great. Marriage links exist with tertiary sections of colla-

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The consequences of homicides in which secondary groups are concerned present an even greater variety, for now the span has expanded to include many more groups, with a total population of several thousand people. Groups of this order are spread over a much wider territorial range; some structurally distant groups are neighbours by virtue of their propinquity, while some structurally proximate groups are far removed territorially. Some feuds lie dormant for long periods. Others erupt frequently. Some homicides between these groups are followed by the 'laying down of the denial'—the feud situation with most acrimony built into it, for one denial, followed by a vengeance killing, is met by a second denial and so on, excluding thereby any chance of a settlement. In other circumstances the offender's group boast that they are responsible for a homicide, thus challenging the victim's group to a show of force. Only the more powerful tertiary groups would venture to do this, and it is only they who could meet a homicide against them with a spectacular show of force, compelling a weaker tertiary group (according to hearsay evidence) to break up and leave its homeland. The modes of killing in homicide differ in character. Some killings have been heinous and offensive in terms of general morality; their purpose is to sting the victim's kin to retaliate or to cause them to suffer general discredit and loss of status. While some parts of secondary segments are at feud, others are not. A homicide between affinally or matrilaterally linked groups, whether they are secondary or primary groups, is settled as quickly and as amicably as possible to prevent turmoil in their relationships. Feud concerns two tertiary sections, not the opposed secondary sections of which they are parts. Blood money and vengeance is not the responsibility of secondary sections, but of their respective tertiary sections.

At this point, a further statement concerning the external marriage links of tertiary segments throws further light on the feud. Previously it was stated that the competition between collateral tertiary groups for natural resources is indicated by a low rate of marriage between them. Their external marriage links reinforce the separation. One tertiary section, A, takes some of its spouses from section X of a collateral secondary section; A's collateral, B, takes some of its spouses from X's collateral, Y. A may be at feud with Y and B with X. The agnatic links between A and B, and X and Y do not mitigate the severity of the hostility in the two feuds, they exacerbate it. It would be erroneous to think of them as cross-cutting ties which promote peace. Stultified in the development of their hostilities by virtue of their territorial proximity and the sentiment associated with putatively close agnatic connexion, A and B are able to express hostilities indirectly through their linked groups X and Y respectively. During discussions of disputes, homicides, or rival claims to water, whether the disputants meet in the camps or in administrative offices in the villages, men from the matrilateral and affinal groups of the parties directly concerned are also present to do most of the shouting. In some cases I recorded a maternal relative was killed on behalf of an agnatic group to which he did not belong, although the latter accepted the responsibility. In the light of facts of this sort the lineage model obstructs analysis.

I now wish to make a few brief remarks about the relationships between collateral primary sections and paired tribes. Homicide, it was asserted earlier, results in raids and war between groups of these orders of segmentation respectively. Evidence can be adduced to show that both consequences have followed. The case usually cited to demonstrate that a single killing precipitates war between tribes is the

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121 celebrated war between the 'Abaidat and the Bara 'asa tribes occupying a large part
619 of central and eastern Cyrenaica. This war took place a hundred years ago, so that the
682 evidence is mainly hearsay, but it is significant that when asked for details of the
726 groups taking part the Bedouin make it clear that the entire tribes were not at war—
[173] some sections on both sides are said to have remained on friendly terms. Yet when
121 wars are discussed in a general fashion, the Bedouin insist that tribes confront each
619 other as such. If it is pointed out to them that men might be ranged against their
726 maternal relatives the Bedouin mumble apologetically that they would not kill their
602 maternal relatives—a lame argument since in the heat of battle men cannot make this kind of discrimination. Details of other wars also illustrate the point that only parts of tribes face each other in strife, for though the stories of past events may be inaccurate there is genealogical evidence to substantiate their claims that certain groups were linked in the past, and in any case their statements assert that where these links exist they are not prepared to engage in hostilities. The several parts of each tribe,
121 like the parts of primary and secondary sections, have as many different sorts of
619 relationships as there are groups, and the general statement that tribes are warring
571 units merely obscures the interest there is in their relationships. Tribes, further, lack the leadership to make war. I repeat that leadership does exist, but not even the
121 greatest leaders, past or present, can rightly be described as leaders of their tribes,
619 using the term in its structural connotation. Literature on the subject gives the
613 impression that there are tribal leaders, because successive administrations have used
554 the tribes and their divisions as a framework for attempting to rule the Bedouin, but the details of the power domains of individual leaders make it clear that they have little to do with the ordered divisions of tribes. A leader within part of one tribe may carry with him tertiary sections of another tribe, and if major hostilities break out between parts of these tribes, the sections of both which are joined as allies and related as kinsfolk will not fight against each other, for sections so linked enjoy stronger connexions than the structurally linked tertiary sections of a very large
[682] secondary section. Consequently the statement that homicide results in tribal war
[114] when the offender and his victim are members of two separate tribes is not merely incomplete, not merely a simplification, it is wrong.

121 A point which has been implicit throughout the second part of this paper needs
613 now to be made quite explicit: groups do not come together in their respective
571 structural genealogical orders. During my entire residence in Cyrenaica I did not
[114] see a group of agnates larger than a tertiary tribal section assemble for any purpose. It is true that the occasions when large groups are required to assemble are infrequent.
[648] It is also true that although the British Administration was serving a caretaker role only, it may have had an affect on the nature of tribal gatherings. Despite this qualification, there were several occasions when I expected tribal groups to assemble in lineage order if the fusion of sections in relation to like sections has any meaning in practice. Large groups of men did gather to dispute claims to wells, to argue about rights to ploughland, and to make peace. In every case that I recorded the agnatically closest groups of the main participants were absent, while members of genealogically more remote groups were present in strength. This statement applies to gatherings in the camps and in the administrative centres. One of the biggest gatherings I
[628] witnessed assembled in an administrative office in a village near the coast in the

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< Cyrenaica

south-west of the country. Most members of the two tertiary groups directly concerned in the dispute were present. The agnates of the collaterally linked groups of the principals were unrepresented; indeed collaterals of one of the principals made it quite explicit that they were opposed to their genealogical allies and considered their perusal of the matter tiresome. The bulk of the crowd present was made up of men linked to the principals in a variety of different and non-agnatic ways, and it was they who provided most of the argument once the issue had been opened. It follows, therefore, that an analysis of political organization and behaviour in Cyrenaica which is based on lineage theory leads to a gross misrepresentation. For, what I am arguing is not that the lineage model in its rarefied state is too simple, not that additional facts must be injected into it to complicate it, but that it does not provide an admissible basis for analysis.[1] The complication of something that is founded in error can only lead to complicated error, however many facts of real life are introduced in an attempt to give it substance. The Bedouin conception of their social relationships in terms of a genealogical ordering of groups is a fact of their social life, and in relation to some problems it is an important fact. My objection to the use which has been made of a people's ideology of their relationships is that it has been elevated from its status as a component of social life to such a position of universal dominance in all sets of social relationships that 'every sociological problem', as Fortes writes of the Tallensi, 'hinges on the lineage system'.[2]

If the ordering of groups within the frame of the Bedouin genealogy is abandoned as a basis for analysis, it does not follow that the only remaining view is that of small groups of people distributed throughout the country enjoying relationships merely as units. Regularity in relationships does exist, it is urgently necessary, and it persists; but this regularity is not consistent with a lineage model. Ultimately, feud is a violent form of hostility between corporations which has its source in the competition for proprietory rights in land and water. This competition makes it necessary for groups to combine to prevent the encroachments of others in similar combinations and also to expand their resources whenever the opportunity arises. The significant groups in a discussion of the feud are these power groups, and it is their composition, the shifting alliances within them, the growth and diminution in the power of tertiary

[1] Dr. Paul Bohannan has distinguished in his writings between what he calls folk systems and analytical systems. The distinction, as he sees it, is set out clearly in the statement 'a certain field of Nuer relationships is explained by Nuer in terms of an agnatic genealogy. This is the folk system. The same field is explained, in English, by Professor Evans-Pritchard, as a lineage system based on the principle of segmental opposition. This is an analytical system' (Bohannan, 1957, p. 5). What is the difference? Is it only a difference of language? Bohannan's analytical statement is little more than a generalisation of what is in the folk system. An analytical system, in his hands, is a sophistication of a folk system, for it is the latter which provides him with his analytical framework. The act of creativity on the part of the social anthropologist about which he writes (Bohannan, 1963, p. 14) is the revealing of a folk system through analysis. But he does not depart from the framework set by informants—the agnatic genealogy is the lineage, and the fission and fusion of parts, the opposition of like segments and so on is explained by informants in different languages as adequately as it is explained by social anthropologists in English. Bohannan's viewpoint is made clearer, perhaps, in his discussion on the arrangement of facts relating to Tiv law. Here he considers what he should do once he has elicited all the facts, and he argues against setting them out as an arrangement of the procedural law of Tiv courts because, 'The error would be that the arrangement is not part of *the Tiv way of looking at it*, and hence would be false' (Bohannan, 1957, p. 69. Italics mine). Why? The Tiv are not the social anthropologists. Is the test of an analytical model its consistency with a folk comprehension?

[2] Fortes, 1945, p. 30.

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the different families. A year later the Gottaan brought up the case again, acknowledging the receipt of £50 from the Magai, but protesting that they had still not received anything from the Nefoofa. On an enquiry being held, a representative collection of infuriated members of the Nefoofa family came to court, protesting that Abd el Gelil had already collected their payments, and that if he had not handed over the money, their responsibility at any rate had ended for the moment.

It subsequently transpired, when Abd el Gelil was with difficulty got hold of and brought to court, that he had collected about £50, but claimed this sum as his own personal travelling expenses for collection. Then followed another lawsuit, in which the Nefoofa family sued their self-appointed lawyer for mis-appropriation of tribal funds. The details of this new case, and those of the original suit, were then re-capitulated and muddled up together, to the complete bewilderment of the writer and the entire satisfaction of the Bedouin assessors.

Mention has been made of the extra £100 (£400 instead of £300) usually paid among the Gawabees tribe as the price of a life. It seems, however, as though there are exceptions to this rule; and the following case seems to shew that the payment of "Sanaa" depends on a variety of circumstances.

A family called Sirdani had had a bloodfeud with another family of the Gawabees called Sayed, one of the former having killed one of the latter some fifty years ago. The two families had been living in totally different districts, and for years had not come into contact with each other, and so the feud had been allowed to continue.

In the spring of 1921 a man of the first family, about forty-five years old, called Mirtah el Sirdani, left the Wadi Natrun for the Nile Valley to buy some sheep from the Fellaheen, taking with him his old mother and a small boy, to help him bring them back across the desert to the luscious grazing in the wadi swamps. He arrived at the

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682 Cultivation, bought his sheep, and started off westwards
628 to the wadi.
672 By a sheer coincidence, four men of the other family had left their camping ground a fortnight before, and had gone south on their yearly pilgrimage to Baharia Oasis to bring back dates. On leaving the oasis, they had later arrived at the wadi, watered their camels, and pushed on northwards to their camping ground. About one and a half days' trek north of the wadi, about half an hour before sunset, they saw in the distance a cloud of dust advancing towards them, out of which gradually emerged a flock of sheep, an old woman, a man, and a small boy.

According to the subsequent evidence of the mother, her son Mirtah drove his sheep unconcernedly, not noticing with the rays of the setting sun in his eyes who was with the approaching camels. When they drew near he called out the usual greeting, "Peace be upon you"; but instead of the stereotyped reply, two of the camelmen suddenly leapt from their camels with heavy sticks in their hands, and rushed at Mirtah. The old mother and the small boy began to run away, while the frightened sheep scattered in all directions. Mirtah was entirely unprepared for any assault, and before he realised what was happening, he had received two thundering blows on his skull from the two men, who immediately afterwards remounted, and rode away.

Mirtah fell stunned; and as soon as his assailants had gone, his mother and the boy ran to his assistance. After a few minutes Mirtah staggered to his feet in a dazed sort of way, cursed his aggressors, whom he had recognised as belonging to the Sayed family, and said that he would be able to continue slowly. He managed with the help of his mother and the boy to cover two or three miles, but was overcome by pain and loss of blood, and again collapsed. His mother with the sheep remained by his side, and sent off the boy to the Wadi to get assistance to bring him in. Fortunately, after running a few miles, the boy came across some

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members of a neutral family with grazing camels, and with their help Mirtah was fetched in to the Wadi unconscious.

The case was reported to the police, but a few hours after his arrival in the Wadi Mirtah quietly died. The post-mortem examination revealed a skull cracked right across, with severe cerebral haemorrhage. In due course the Sirdani family claimed £400 bloodmoney from the Sayed family, according to the custom among the Gawabees tribe. This time, however, an exception was made. The sheikhs decided that the ordinary bloodmoney of £300 only should be paid by the Sayed to the Sirdani family, £100 in money and £200 in kind, divided into six yearly instalments of £50 each.

They also added a rider to the effect that they were not awarding Sanaa under the circumstances, as there was no proof of intent to kill, and that weapons such as guns or knives (which would imply premeditation) were not used. The presumption was that the Sayed family, though obviously intending to cause grievous bodily harm, did not intend to kill Mirtah. The fact that he died of his wounds automatically warranted the award of £300 as bloodmoney, but did not constitute sufficient justification for the imposition of the extra £100 as Sanaa.

In Common Law it is not always easy for the uninitiated to understand the legal value of a threat, or what proportion of the punishment for the completed action is due for a mere threat. It was singularly pleasing, therefore, to find a striking instance of a threat to shoot, and to see the attitude of the Bedouin court towards this particular offence.

An Arab called Abd el Kerim was tolerably well-to-do, and owned several camels, a mare, fair-sized flocks of sheep and goats, and certain cultivation rights; and he had two sons aged about sixteen and eighteen respectively. His cousin, Abd el Salam, who lived half a mile away, had four sons of ages ranging from fifteen to twenty, but he was considerably poorer in this world's goods. Abd el Kerim's sons took their camels out to graze, and inadvertently